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PATENT

RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 1771

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/921,323
Applicant(s): Gillespie et al
Filed: August 2, 2001
Art Unit: 1771
Examiner: John J. Guarriello
Title: SPUNBOND NONWOVEN FABRICS FROM RECLAIMED
POLYMER AND THE MANUFACTURE THEREOF

Confirmation No.: 5051

Docket No.: 034423/237429
Customer No.: 00826

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CORRECTED AND RESUBMITTED AMENDMENT AFTER FINAL ACTION

Sir:

This is a corrected resubmission of an Amendment After Final that was originally filed by fax on May 10, 2004 responding to the Final Office Action dated March 10, 2004. In an Advisory Action mailed August 26, 2004 (received by applicant's attorney August 30, 2004) applicant's attorney was informed that the amendment was not entered because the wrong status identifier (Previously Amended) was used on claims 7 and 10 rather than the proper status identified (Previously Presented). The status identifier has been corrected in this resubmission.

The delay by the PTO in responding to the May 10, 2004 Amendment After Final has been prejudicial to applicant, and has unfairly put applicant in the position of having to pay both an extension of time fee and an appeal fee. Applicant timely submitted the Amendment After Final on May 10, 2004 and this is so noted on in the PAIR file history. However, apparently because of internal problems with the PTO's Image File Wrapper system, the May 10, 2004 Amendment After Final was never entered into the Image File

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Filed: August 2, 2001

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Wrapper, and it was not forwarded to the Examiner for consideration. Only after filing a Status Inquiry with the PTO on August 6, 2004, several phone calls with the Examiner, and fax resubmissions of the original Amendment After Final on August 6 and August 13, 2004, was applicant finally successful in obtaining some response to the Amendment After Final.

In a telephone conversation with Examiner Boyd today, applicant's attorney was informed that upon receipt of a proper resubmission of the Amendment After Final, the Examiner intended to withdraw the finality of the Final Rejection.

Amendments to the Claims are reflected in the listing of claims beginning on page 3 of this paper.

Remarks/Arguments begin on page 10 of this paper.

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